IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 05.01.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice N.PAUL VASANTHAKUMAR

Writ Petition No.628 of 2007
& M.P.No. 2 of 2007

1.G.V.Anjaneya Babu
2.G.V.S.Ramesh .. Petitioners

Vs.

1. Corporation of Chennai,,
rep., by its Commissioner,
Rippon Buildings, Chennai-600 003.

2. Corporation of Chennai,
rep. by its Assistant Executive Engineer/
Executive Engineer, Zone-8,
Ward No.121, Kodambakkam,
Chennai. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records of the respondents in their notice No.4524 dated 29.11.2006 affixed on 20.12.2006 relating to the demolition of the building situate at No.46, old No.6/2, Palayakaran Street, Kodambakkam, Chennai-600 024, quash the same and direct the respondents to forbear them from in any way interfering with the aforesaid building particularly by way of demolition of any portion or portions thereof.

For Petitioners : Mr.D.S.Rajasekaran
For Respondents : Mr.G.T.Subramanian

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ORDER

(Order of the Court was delivered by P. SATHASIVAM, J.)

Aggrieved by the notice dated 29.11.2006 affixed on 20.12.2006 relating to demolition of the building situate at No.46, old No.6/2, Palayakaran Street, Kodambakkam, Chennai-600 024, the petitioners have filed the above writ petition.

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2. On direction, Mr.G.T.Subramanian takes notice for the respondents.

3. It is brought to our notice that though in the impugned notice dated 29.11.2006, a reference was made to provisional order Nos.2955 dated 12.10.2006 and 4525 dated 27.11.2006, according to the learned counsel for the petitioners, they have not received such orders or notices as claimed in the impugned proceedings. Accordingly, even on 27.10.2006, the petitioners made a representation to both the respondents seeking copy of provisional notices dated 12.10.2006 and 27.11.2006 to enable them to submit their explanation and also prayed that no action need be taken till such time.

4. Considering the claim of the petitioners, we are of the view that ends of justice would be met by directing the respondents to furnish copies of the provisional notices dated 12.10.2006 and 27.11.2006 to the petitioners within a period of two weeks from the date of receipt of a copy of this order. On receipt of the copies of the provisional notices, the petitioners are permitted to make reply/representation to the first respondent- The Commissioner, Corporation of Chennai, within a period of two weeks thereafter. The first respondent is directed to consider the reply/representation to be made by the petitioners and pass orders in accordance with law thereafter. Till such order being passed, the impugned notice dated 29.11.2006 shall be kept in abeyance .

5. With the above directions, the writ petition is disposed of. No costs. Consequently, MP No.2 of 2007 is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

raa

To
1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.
2. The Assistant Executive Engineer/
Executive Engineer, Corporation of Chennai,
Zone-8, Ward No.121, Kodambakkam, Chennai.

1 cc To Mr.D.S.Rajasekaran, Advocate, SR.900.
1 cc To Mr.G.T.Subramanian, Advocate, SR.1294.

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JRG(CO)
RVL 11.01.2007

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